

"The judgments of conviction will be reversed."

The case was retried upon the defendants' pleas of not guilty, and at the conclusion of the testimony on January 4, 1949, and upon motion made on behalf of the defendants, the court ordered that count 2 of the information be dismissed. On the same day, a verdict of guilty on count 1 of the information was returned by the jury.

A motion for a new trial was made on behalf of the defendants, and on February 9, 1949, such motion was denied. On June 2, 1949, the court imposed a fine of \$1 against the company, \$100 against defendant Roach, and \$150 against defendant Lambert. Imposition of prison sentences against the individuals was suspended, and the individuals were placed on probation for 1 year.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

2757. Adulteration of Peptulcyl Ampoules. U. S. v. Solex Laboratories, Inc., and Nicholas Raimondi. Pleas of guilty. Fine of \$1,000 against corporation and \$750 against individual. (F. D. C. No. 21433. Sample No. 20284-H.)

INFORMATION FILED: March 17, 1947, Eastern District of New York, against Solex Laboratories, Inc., Brooklyn, N. Y., and Nicholas Raimondi, president of the corporation.

ALLEGED SHIPMENT: On or about April 18, 1945, from the State of New York into the State of Oklahoma.

LABEL, IN PART: (Carton) "Sterile Intramuscular Solution Peptulcyl Ampoules Formula A neutral solution of: Proteolytic Enzymes"; (ampul) "Peptulcyl Proteolytic Enzymes."

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported and was represented to possess since it was represented to be sterile and to be suitable and appropriate for intramuscular injection, a use which requires a sterile product, whereas the article was not sterile and was unsuitable and inappropriate for intramuscular injection since it was contaminated with viable micro-organisms.

DISPOSITION: October 28, 1948. Pleas of guilty having been entered, the court imposed a fine of \$1,000 against the corporation and a fine of \$750 against the individual.

2758. Adulteration and misbranding of Obeto, Estrovar, and theobromine compound. U. S. v. Kenneth G. Ziegler (Ziegler Pharmacal Co.). Plea of guilty. Fine of \$300 on each of 10 counts, plus suspended fine of \$500 and suspended sentence of 1 year's imprisonment on each of remaining 2 counts. Defendant placed on probation for 1 year. (F. D. C. No. 25618. Sample Nos. 4894-K, 6105-K, 6361-K, 12967-K, 19271-K, 27405-K.)

INFORMATION FILED: March 11, 1949, Western District of New York, against Kenneth G. Ziegler, a member of the partnership of the Ziegler Pharmacal Co., Buffalo, N. Y.

ALLEGED SHIPMENT: On or about January 6, February 5, and March 11, 15, and 18, 1948, from the State of New York into the States of Massachusetts, Pennsylvania, Ohio, and Missouri.